



Art 2661

PATENT

Applicants: Yao Yu et al.  
Serial No. 09/840,433  
Filing Date: April 23, 2001  
Confirmation No.: 4176

Examiner: Ian N. Moore  
Art Unit: 2661  
Docket No.: 00965.10.0003

Title: **METHOD FOR CONTROLLING OUTER LOOP POWER**

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

*Certificate of Mailing*  
I hereby certify that this paper is being mailed, first class mail,  
postage prepaid, in an envelope addressed to: Mail Stop AF,  
Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-  
1450, on this date.

8/2/05 Michael J. Turgeon  
Date Michael J. Turgeon

**STATEMENT OF SUBSTANCE OF THE INTERVIEW**

Dear Sir:

Applicants conducted a telephonic interview with the Examiner on July 26, 2005.

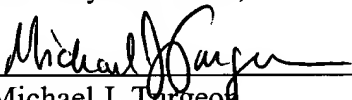
Applicants are filing this paper to summarize the interview.

During the interview, Applicants discussed with the Examiner claim 1 of the present application. In particular, Applicants argued that neither Vembu nor Dohi discloses "a grade" for any error-related parameters and the resulting SNR adjustment step calculations as recited in claim 1. The Examiner argued, however, that a "grade" of a parameter as recited in claim 1 can be interpreted to mean any type of variation of the parameter unless claim 1 is amended to specifically recite a specific description for "grade." The Examiner provided no tangible evidence to support his contention. Applicants strongly disagreed with the Examiner and the lack of evidence for his position, namely, that the Examiner cannot simply ascribe an over- broad meaning to the word "grade" which would encompass all prior art to reject claim 1 of the present application. Applicants and the Examiner could not reach an agreement in this regard.

Applicants further argued that Vembu and Dohi fail to disclose steps (b) and (c) of claim 1. The Examiner, however, disagreed by arguing that without amending claim 1 to recite a specific description of the word "grade," the combination of Vembu and Dohi performs steps (b) and (c) of claim 1 and provided no evidence of locus of the disclosure or teaching of steps (b) and (c) in Vembu or Dohi. Applicants and the Examiner could not reach an agreement in this regard.

Applicants failed to come to an agreement with the Examiner regarding the patentability of claim 1 over Vembu and Dohi. Applicants request that the present paper be entered into the record of the present application.

Respectfully submitted,

By:   
Michael J. Turgeon  
Registration No. 39,404

Date: 8/12/05

VEDDER, PRICE, KAUFMAN & KAMMHOLZ, P.C.  
222 N. LaSalle Street  
Chicago, IL 60601  
(312) 609-7500  
FAX: (312) 609-5005